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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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JERRY JOHNNY THOMPSON, JR.,

Plaintiff,

*versus*

JOEL STINNETT, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:06-CV-562

**MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jerry Johnny Thompson, Jr., a federal prisoner, proceeding *pro se*, brought this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the case with prejudice pursuant to 28 U.S.C. § 1915(e).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. However, the plaintiff filed a motion to dismiss the action. After due consideration, the court is of the opinion that the motion should be granted, and the case should be dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1).

O R D E R

Accordingly, the plaintiff's motion to dismiss the case is **GRANTED**. The report of the magistrate judge is **ADOPTED** to the extent that it recommends dismissing the action. A final judgment will be entered in this case in accordance with this memorandum order.

SIGNED at Beaumont, Texas, this 7th day of November, 2006.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE